

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,)
)
 Petitioner,)
 v.) Civil Action
) No. 10-3189-CV-S-RED
 VETERAN'S ADMINISTRATIVE,¹)
)
 Respondent.)

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, an inmate confined in the United States Medical Center for Federal Prisoners, petitions this Court for a writ of habeas corpus in which challenges actions of the Veterans Administration. Because this Court lacks jurisdiction to entertain petitioner's complaint, it will be recommended that he be denied leave to proceed in forma pauperis.

Having fully reviewed petitioner's claim for habeas corpus relief, it appears that he is challenging the Veterans Administration's actions regarding his claim for pension benefits. Petitioner indicates that his case is pending before the Veterans Administration. There is nothing in the record to suggest that a decision has been made by that agency or that petitioner has pursued the proper administrative channels to appeal any decision that the Veterans Administration has made. Additionally, petitioner has failed to assert jurisdictional grounds that would entitle him to pursue 28 U.S.C. § 2241 for habeas corpus relief on this issue. Therefore, this Court is without jurisdiction to review petitioner's claim.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local

¹The Court will refer to the respondent/agency by its proper name, which is "Veterans Administration."

Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.²

/s/ James C. England
JAMES C. ENGLAND
United States Magistrate
Judge

Date: 5/17/10

²Petitioner has 14 days in which to file exceptions to the Report and Recommendation of the United States Magistrate Judge.